

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc.)
(VELCO) and Green Mountain Power Corporation)
(GMP) for a certificate of public good, pursuant to)
30 V.S.A. Section 248, authorizing VELCO to)
construct the so-called Northwest Vermont)
Reliability Project, said project to include: (1))
upgrades at 12 existing VELCO and GMP)
substations located in Charlotte, Essex, Hartford,)
New Haven, North Ferrisburgh, Poultney, Shelburne,)
South Burlington, Vergennes, West Rutland,)
Williamstown, and Williston, Vermont; (2) the)
construction of a new 345 kV transmission line from)
West Rutland to New Haven; (3) the reconstruction)
of a portion of a 34.5 kV and 46 kV transmission line)
from New Haven to South Burlington; and (4) the)
reconductoring of a 115 kV transmission line from)
Williamstown to Barre, Vermont –)

Order entered: 11/12/2004

ORDER RE MOTION TO STRIKE PREFILED TESTIMONY
OF TORBEN AABO AND JIM DONOVAN

Background and Positions of the Parties

On November 1, 2004, Vermont Electric Power Company, Inc. ("VELCO"), filed a motion to strike the prefiled design detail testimony of Torben Aabo and portions of the prefiled design detail testimony of Jim Donovan ("Charlotte witnesses"). VELCO argues that the Charlotte witnesses' testimony is not responsive to VELCO's design detail filings and could reasonably have been filed earlier in the proceedings.

On November 8, 2004, the Vermont Department of Public Service ("Department") and the Town of Charlotte ("Charlotte") filed responses to VELCO's motion to strike. The

Department contends that the Charlotte witnesses' testimony could have been filed earlier in these proceedings and that the testimony goes beyond the scope of the design detail phase. Charlotte contends that, although the two proposed underground routes described in the testimony are new, the concept of undergrounding at Ferry Road and the technology that should be used to accomplish the undergrounding has been advocated by Charlotte for some time. Charlotte contends that the challenged testimony simply presents alternatives to the overhead configurations proposed by VELCO in its design detail testimony.

Discussion and Conclusion

In ruling on VELCO's motion, we are informed by VELCO's recent statements concerning the Ferry Road area. On November 9, 2004, VELCO stated that it is currently developing an alternative overhead route at Ferry Road.¹ We have observed in previous orders that we do not wish to discourage VELCO from proposing improvements to its plans, and we do not wish to do so here. However, if VELCO is to be allowed to present a revised proposal for Ferry Road that it believes represents an improvement over its current proposal, Charlotte deserves the same opportunity. Additionally, as Charlotte points out, a proposal to underground at Ferry Road should not have been a surprise to VELCO or any other party in this Docket and therefore does not prejudice any party. Accordingly, we conclude that Charlotte should be allowed to present its alternative design at Ferry Road.

For these reasons, we deny VELCO's motion to strike the testimony of Messrs. Aabo and Donovan.

SO ORDERED.

1. Tr. 11/9/04 at 6-7 (Piper).

Dated at Montpelier, Vermont, this 12th day of November, 2004.

<u>s/ Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: November 12, 2004

ATTEST: s/ Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)